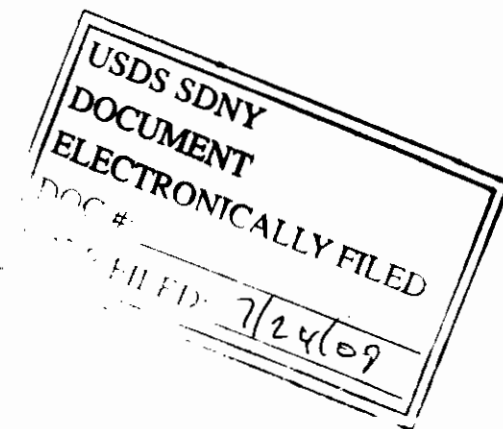


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*"The only foolish question is the one you don't ask."*



**Submitted by fax only - 212-805-7946**

July 22, 2008

Hon. Richard J. Sullivan  
United States District Judge  
500 Pearl Street  
New York, New York 10007

Re: Rivera v CARROLL(State Parole Ds)  
Docket No. 07civ7847 (RJS)

Honorable Judge Sullivan:

This letter is submitted by fax with the permission of your law clerk, Adam.

At our recent pre-motion conference before Your Honor, you were kind enough to allow plaintiff thirty days' time to amend his complaint to be more specific as to the individual responsibility alleged as to each of the defendants. That time has expired. I respectfully request, with no objection from the defendants, that the Court extend that time for another 30 days.

Following our conference, I made immediate mail inquiry to the plaintiff for more particulars as to the individual responsibility of the defendants. He cannot be reached by telephone, as he is currently incarcerated on an unrelated matter.

When he called in response to my letter, I explained to him what we need from him, and also engaged in a discussion of the defendants' position declining to make a settlement offer. I took the opportunity to explain to him what I believed was the thinking behind that.

Unfortunately, I believe that that additional issue caused him to somehow misunderstand what information was needed, and his response to me, instead of conveying that information, concentrated on the other issue.

Meanwhile, as pointed out to me in a courtesy phone call made to me by my adversary, Assistant Attorney General Harkins, plaintiff's time to amend, as granted by Your Honor, has expired. In a further courtesy, however, Mr. Harkins has stated that he does not object to the Court granting plaintiff further time to amend, provided he is still given the same time period thereafter to move against the complaint as amended if he should so choose.

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I hereby request an extension of thirty days from today to yet attempt to amend the complaint, and also ask that Mr. Harkins be given the additional time he needs to move to dismiss, if he so chooses, i.e., at least two weeks following the end of the thirty-day extension.

Thank you for your courtesy in this matter.


Respectfully submitted,

  
MICHAEL R. SCOLNICK (MS9984)

MRS/hs

cc: Kevin Harkins, Esq.  
Attorney General Of the State of New York  
120 Broadway  
24th Floor  
New York, New York 10271 Fax: 212 416 6009

Plaintiff's request for an extension of time in which to amend the complaint in this action is granted. Plaintiff shall file his amended complaint by ~~July~~ August 22. Defendants shall then have 14 days to answer or otherwise respond to the amended complaint. No further extensions will be granted absent truly compelling circumstances.

  
SO ORDERED  
7/23/08  
KEVIN J. SULLIVAN  
U.S.D.J.